

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

FRANK CAPLE

Petitioner,

v.

ERIC P. BUSH, et al.,

Respondents.

CIVIL ACTION
NO. 17-3989

ORDER

AND NOW, this 20th day of March 2019, upon careful consideration of the Report and Recommendation filed by United States Magistrate Judge Jacob P. Hart (Doc. No. 22), Petitioner's Objections to the Report and Recommendation (Doc. No. 23), Petitioner's Motion of Notice to the Court (Doc. No. 21), Petitioner's Motions for Leave to Amend (Doc. Nos. 25, 26), Petitioner's Motion Requesting a Final Order (Doc. No. 27), Petitioner's Motion Requesting a Leave to Stay in Abeyance (Doc. No. 28), the pertinent state record in this case, and in accordance with the Opinion of the Court issued this day, it is **ORDERED** that:

1. The Report and Recommendation (Doc. No. 22) is **APPROVED** and **ADOPTED**;
2. Petitioner's request for relief is **DENIED**;
3. Petitioner's Motion of Notice to the Court (Doc. No. 21) is **DENIED AS MOOT**.
4. Petitioner's Motions for Leave to Amend (Doc. Nos. 25, 26) are **DENIED**.
5. Petitioner's Motion Requesting a Final Order (Doc. No. 27) is **DENIED AS MOOT**.
6. Petitioner's Motion Requesting a Leave to Stay in Abeyance (Doc. No. 28) is **DENIED**.
7. A Certificate of Appealability **SHALL NOT** issue because, based on the analysis contained in the Magistrate Judge's Report and Recommendation and the Opinion of

the Court issued this day, a reasonable jurist could not conclude that the Court is incorrect in denying and dismissing the Amended Petition for Writ of Habeas Corpus.

See 28 U.S.C. § 2253(c)(2); Slack v. McDaniel, 529 U.S. 473 (2000).

8. Judgment in this matter is entered in favor of **RESPONDENTS**.
9. The Clerk of Court shall close this case for statistical purposes.

BY THE COURT:

/s/ Joel H. Slomsky
JOEL H. SLOMSKY, J.